

Wilson County Board of Zoning Appeals Minutes
October 17, 2019

The Wilson County Board of Zoning Appeals met October 17, 2019 at 9:00 a.m. in the County Commission Room of the Wilson County Courthouse, Lebanon, Tennessee, pursuant to public notice. Those members present were Kawczynski, Thompson and Thorne. Also, present was County Planning staff, Building Inspector staff, Storm Water staff, and Court Reporter Teresa Hatcher, hired by the county.

Thompson called the meeting to order. Thompson informed individuals with questions or who desire to make comments before the Board concerning the cases to approach the podium when asked by the Chairman and to sign in on the sign-up sheet giving name, address, and case of interest. Thompson informed individuals that anyone desiring to withdraw or request deferral could do so at this time. Thompson informed everyone that a stenographer was present and individuals could get with her at the end of the meeting if they desired a transcript of the meeting. Thompson then asked all individuals who desired to make statements before the Board to raise their hands. He thereupon administered the oath to each and every one of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Minutes of the September 19, 2019 meeting were set aside for the November 21, 2019 meeting due to the absence of members.

The following cases were presented:

CASE 3725 (Deferred from the September 19, 2019 meeting)

REQUEST: Jerry and Patsy McDonald are seeking to establish two (2) dwellings on one (1) tract of land. The property located at 693 Mires Road is Parcel 23 on Wilson County Tax Map 118. The property consists of twenty-six (26) acres and is zoned R-1 Residential.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.02 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any lot in any residential district or any residential lots in any agricultural district.

ACTION: Staff stated that an email had been received requesting deferral. Motion made by Kawczynski, second by Thorne and all voting aye, the request was deferred to the November 21, 2019 meeting.

CASE 3729

REQUEST: K and A Land Surveying are seeking a variance of five (5) feet from both side yard setback requirements of twenty (20) feet, a variance of thirty-five (35) feet from the lot width requirement of one hundred and twenty-five (125) feet and a variance of approximately twenty-two thousand, eight hundred and seventy (22,870) square feet from the lot size requirement of forty thousand, (40,000) square feet. The variance will allow the proposed house to be fifteen (15) feet from both side property lines. The property located at 809 Burton Point Road, Lot 2, Port Spencer is Group "D", Parcel 9 on Wilson

County Tax Map 27 "O". The property consists of approximately seventeen thousand, one hundred and thirty (17,130) square feet and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [revised resolution 15-2-12] - E. LOT WIDTH - 5. Where dwellings are not served by a public sewer system there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line. [revised 07-7-4] - F. MINIMUM LOT AREA - 3. For each dwelling and buildings accessory thereto, not served by a public sewer system but served by a public water system, there shall be a minimum lot area of forty thousand (40,000) square feet; however, a greater lot area may be required based on recommendations by the State of Tennessee Department of Environment and Conservation. [revised resolution 07-7-4]

ACTION: Staff read recommendations and also read an email of opposition from Dunn Marital Trust. Brian Keith with K and A Land Surveying appeared representing the case. After discussion, motion made by Kawczynski, there was not a second and all voting aye, the request was approved based on staff recommendations.

CASE 3730

REQUEST: Kevin New is seeking to establish luxurious style camping on A-1 Agricultural zoned property. The property located at 2900 Callis Road, Lots 4 and 5, Robert and Edna Ligon Property is Parcel 19.01 on Wilson County Tax Map 94. The property consists of a total of 51.94 acres.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.03.1 USES PERMISSIBLE ON APPEAL - DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

ACTION: Staff read recommendations and also read letters from in opposition and stated per his request, Commissioner Jones opposition to the request. Applicant appeared representing his request. Robbie Callis, Gary Hardin, Mike Collinworth, David Collinworth, Scott Fullerton, Charlene Burgin, Julie Erickson and Destiney Erickson all adjoining/area property owners spoke with their concerns. The applicant addressed the concerns of the neighboring property owners and the he addressed the questions from the board. After discussion, motion made by Kawczynski, second by Thorne and all voting aye, the request was deferred due to lack of legal counsel until the November 21, 2019 meeting.

CASE 3731

REQUEST: Nerissa Wright is seeking a variance of twelve (12) feet from the easement width requirement of thirty (30) feet for an older lot of record. The variance will allow the existing home to be replaced. The property located at 1260A Woods Ferry Road, Lot 5, Eddie Woods Estate is Parcel 48 on Wilson County Tax Map 13. The property consists of 1.01 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.20 GENERAL EXCEPTIONS - 3.20.01 SUBSTANDARD LOT OF RECORD. Where

the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.

SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet; the lot must be a minimum of fifty (50) feet in width to the building setback line. A lot with more than one-half (1/2) of its frontage on the bulb of a cul-de-sac lot must continuously abut the street for at least thirty (30) feet; the lot must be a minimum of thirty (30) feet in width to the building setback line. This section shall not apply to a lot of record (previously existing), with an easement of at least thirty (30) feet in width to a public street.

ACTION: Staff read recommendations. Applicant appeared representing her request. After discussion, motion made by Thorne, second by Kawczynski, and all voting aye, the request was approved based on staff recommendations.

CASE 3732

REQUEST: **Ryan Kaly** is seeking to establish a third dwelling on A-1 Agricultural zoned property. The property has two apartments in the existing office building. The property located at 2100 Safari Camp Road is Parcel 33.02 on Wilson County Tax Map 80. The property consists of 35.50 acres.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.04 - With the exception of churches, farming and home occupations conducted within the principal structure, only one use shall be allowed per tract of land on any lot in a residential district or any residential lots in any agricultural district.

ACTION: Staff read recommendations. Applicant appeared representing his request. After discussion, motion to approve made by Kawczynski, second by Thorne with Thompson voting no, motion fails.

CASE 3733

REQUEST: **Jeff Mendoza** is seeking a variance of one (1) foot from the southwest side yard setback requirement of ten (10) feet. The variance will the allow the pole barn to be nine (9) feet from the southwest side property line. The property located at 340 Double Log Cabin Road, Lot 3, Log Cabin Acres is Parcel 14.03 on Wilson County Tax Map 33. The property consists of 1.93 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.05 AREA REGULATIONS - B. SIDE YARD - 1. For single and two-story structures not served by public sewer system located on interior lots, side yards shall be not less than twenty (20) feet in width for a principal structure, and not less than ten (10) feet for an accessory structure. [revised resolution 15-2-12]

ACTION: Staff read recommendations. Applicant appeared representing his case. After discussion, motion made by Thompson, second by Kawczynski, and all voting aye, the request was approved.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

Secretary